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AMENDED IN ASSEMBLY APRIL 25, 2011
AMENDED IN ASSEMBLY FEBRUARY 28, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 344

Introduced by Assembly Member ~~Furutani~~ Mendoza

February 10, 2011

An act to ~~amend Sections 20636, 20636.1, and 21221 of the Government Code, relating to public employees' retirement~~ *add Section 43018.3 to the Health and Safety Code, relating to vehicular air pollution, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 344, as amended, ~~Furutani Mendoza. Public employees' retirement.~~ *Vehicular air pollution: exemption: low-use vehicles: nonprofit organizations.*

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants, including standards for off-road and nonvehicle engine categories.

This bill would require the state board, for purposes of specified provisions relating to mobile source emissions reductions, as applied to the reduction of emissions of diesel particulate matter, oxides of

nitrogen, and other criteria pollutants from certain in-use, diesel-fueled vehicles, to define “low-use vehicle” for purposes of tax-exempt nonprofit organizations as a vehicle that will be operated fewer than 5,000 miles in the state in any compliance year, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

~~(1) The Public Employees’ Retirement Law (PERL) requires contributions to the retirement fund based on compensation earnable by a member, including a school member, which includes the member’s payrate and special compensation, as specified. “Payrate” is defined as the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment, as specified. For a member who is not in a group or class, “payrate” means the monthly rate of pay or base pay of the member, as specified. PERL provides that increases in compensation earnable granted to an employee who is not in a group or class shall be limited during the final compensation period applicable to the employees, as well as the 2 years immediately preceding the final compensation period, to the average increase in compensation earnable during the same period reported by the employer for all employees who are in the same membership classification, except as may otherwise be determined pursuant to regulations adopted by the Board of Administration of the Public Employees’ Retirement System that establish reasonable standards for granting exceptions.~~

~~This bill would delete the authorization for the board to adopt regulations to permit those exceptions to the average increase limitation for increases in compensation earnable granted to an employee who is not in a group or class.~~

~~(2) PERL establishes the circumstances in which a retired person may serve without reinstatement from retirement or loss or interruption of benefits, including, among others, an appointment of limited duration that does not exceed 960 hours in any fiscal year. Existing law further provides that a person may serve without reinstatement under an appointment that exceeds 960 hours in any fiscal year, if the governing body of the contracting agency requests approval from the board, as specified.~~

~~This bill would delete the option for a person to serve without reinstatement under an appointment that exceeds 960 hours in any fiscal year.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 43018.3 is added to the Health and Safety
2 Code, to read:

3 43018.3. (a) For purposes of Section 43018 and its
4 implementing regulations, as applied to the reduction of emissions
5 of diesel particulate matter, oxides of nitrogen, and other criteria
6 pollutants from in-use diesel-fueled vehicles, as applicable to any
7 person, business, federal government agency, school district, or
8 school transportation provider that owns or operates, leases, or
9 rents affected vehicles that operate in the state and to persons that
10 sell affected vehicles in the state, the state board shall define
11 “low-use vehicle” for purposes of tax-exempt nonprofit
12 organizations to mean a vehicle that will be operated fewer than
13 5,000 miles in the state in any compliance year. If that vehicle has
14 an engine that powers other equipment that can only be used while
15 stationary, the engine or power takeoff shall also operate less than
16 100 hours in any compliance year. The hour limitation does not
17 apply for vehicles where the engine is used to power an auxiliary
18 mechanism that strictly loads and unloads cargo from the vehicle.

19 (b) As used in this section, “affected vehicle” means those
20 vehicles that operate on diesel fuel, dual fuel, or alternative diesel
21 fuel that are registered to be driven on public highways, were
22 originally designed to be driven on public highways whether or
23 not they are registered, yard trucks with on-road engines or yard
24 trucks with off-road engines used for agricultural operations, both
25 engines of two-engine sweepers, and schoolbuses, and have a
26 manufacturer’s gross vehicle weight rating greater than 14,000
27 pounds, except as exempted by the state board.

28 SEC. 2. This act is an urgency statute necessary for the
29 immediate preservation of the public peace, health, or safety within
30 the meaning of Article IV of the Constitution and shall go into
31 immediate effect. The facts constituting the necessity are:

32 In order for nonprofit organizations that have been deeply
33 affected by the recession to avoid a severe financial burden by
34 complying with the regulation deadline, which would make their

1 *recovery take much longer than for-profit organizations, it is*
2 *necessary that this act take effect immediately.*

3 ~~SECTION 1. Section 20636 of the Government Code is~~
4 ~~amended to read:~~

5 20636. (a) ~~“Compensation earnable” by a member means the~~
6 ~~payrate and special compensation of the member, as defined by~~
7 ~~subdivisions (b), (c), and (g), and as limited by Section 21752.5.~~

8 (b) (1) ~~“Payrate” means the normal monthly rate of pay or base~~
9 ~~pay of the member paid in cash to similarly situated members of~~
10 ~~the same group or class of employment for services rendered on~~
11 ~~a full-time basis during normal working hours, pursuant to publicly~~
12 ~~available pay schedules. “Payrate,” for a member who is not in a~~
13 ~~group or class, means the monthly rate of pay or base pay of the~~
14 ~~member, paid in cash and pursuant to publicly available pay~~
15 ~~schedules, for services rendered on a full-time basis during normal~~
16 ~~working hours, subject to the limitations of paragraph (2) of~~
17 ~~subdivision (c).~~

18 (2) ~~“Payrate” shall include an amount deducted from a member’s~~
19 ~~salary for any of the following:~~

20 (A) ~~Participation in a deferred compensation plan.~~

21 (B) ~~Payment for participation in a retirement plan that meets~~
22 ~~the requirements of Section 401(k) of Title 26 of the United States~~
23 ~~Code.~~

24 (C) ~~Payment into a money purchase pension plan and trust that~~
25 ~~meets the requirements of Section 401(a) of Title 26 of the United~~
26 ~~States Code.~~

27 (D) ~~Participation in a flexible benefits program.~~

28 (3) ~~The computation for a leave without pay of a member shall~~
29 ~~be based on the compensation earnable by him or her at the~~
30 ~~beginning of the absence.~~

31 (4) ~~The computation for time prior to entering state service shall~~
32 ~~be based on the compensation earnable by him or her in the position~~
33 ~~first held by him or her in state service.~~

34 (c) (1) ~~Special compensation of a member includes a payment~~
35 ~~received for special skills, knowledge, abilities, work assignment,~~
36 ~~workdays or hours, or other work conditions.~~

37 (2) ~~Special compensation shall be limited to that which is~~
38 ~~received by a member pursuant to a labor policy or agreement or~~
39 ~~as otherwise required by state or federal law, to similarly situated~~
40 ~~members of a group or class of employment that is in addition to~~

1 payrate. If an individual is not part of a group or class, special
2 compensation shall be limited to that which the board determines
3 is received by similarly situated members in the closest related
4 group or class that is in addition to payrate, subject to the
5 limitations of paragraph (2) of subdivision (e).

6 (3) ~~Special compensation shall be for services rendered during~~
7 ~~normal working hours and, when reported to the board, the~~
8 ~~employer shall identify the pay period in which the special~~
9 ~~compensation was earned.~~

10 (4) ~~Special compensation may include the full monetary value~~
11 ~~of normal contributions paid to the board by the employer, on~~
12 ~~behalf of the member and pursuant to Section 20691, if the~~
13 ~~employer's labor policy or agreement specifically provides for the~~
14 ~~inclusion of the normal contribution payment in compensation~~
15 ~~earnable.~~

16 (5) ~~The monetary value of a service or noncash advantage~~
17 ~~furnished by the employer to the member, except as expressly and~~
18 ~~specifically provided in this part, is not special compensation unless~~
19 ~~regulations promulgated by the board specifically determine that~~
20 ~~value to be "special compensation."~~

21 (6) ~~The board shall promulgate regulations that delineate more~~
22 ~~specifically and exclusively what constitutes "special~~
23 ~~compensation" as used in this section. A uniform allowance, the~~
24 ~~monetary value of employer-provided uniforms, holiday pay, and~~
25 ~~premium pay for hours worked within the normally scheduled or~~
26 ~~regular working hours that are in excess of the statutory maximum~~
27 ~~workweek or work period applicable to the employee under Section~~
28 ~~201 et seq. of Title 29 of the United States Code shall be included~~
29 ~~as special compensation and appropriately defined in those~~
30 ~~regulations.~~

31 (7) ~~Special compensation does not include any of the following:~~

32 (A) ~~Final settlement pay.~~

33 (B) ~~Payments made for additional services rendered outside of~~
34 ~~normal working hours, whether paid in lump sum or otherwise.~~

35 (C) ~~Other payments the board has not affirmatively determined~~
36 ~~to be special compensation.~~

37 (d) ~~Notwithstanding any other provision of law, payrate and~~
38 ~~special compensation schedules, ordinances, or similar documents~~
39 ~~shall be public records available for public scrutiny.~~

1 ~~(e) (1) As used in this part, “group or class of employment”~~
2 ~~means a number of employees considered together because they~~
3 ~~share similarities in job duties, work location, collective bargaining~~
4 ~~unit, or other logical work-related grouping. One employee may~~
5 ~~not be considered a group or class.~~

6 ~~(2) Increases in compensation earnable granted to an employee~~
7 ~~who is not in a group or class shall be limited during the final~~
8 ~~compensation period applicable to the employees, as well as the~~
9 ~~two years immediately preceding the final compensation period;~~
10 ~~to the average increase in compensation earnable during the same~~
11 ~~period reported by the employer for all employees who are in the~~
12 ~~same membership classification.~~

13 ~~(f) As used in this part, “final settlement pay” means pay or~~
14 ~~cash conversions of employee benefits that are in excess of~~
15 ~~compensation earnable, that are granted or awarded to a member~~
16 ~~in connection with, or in anticipation of, a separation from~~
17 ~~employment. The board shall promulgate regulations that delineate~~
18 ~~more specifically what constitutes final settlement pay.~~

19 ~~(g) (1) Notwithstanding subdivision (a), “compensation~~
20 ~~earnable” for state members means the average monthly~~
21 ~~compensation, as determined by the board, upon the basis of the~~
22 ~~average time put in by members in the same group or class of~~
23 ~~employment and at the same rate of pay, and is composed of the~~
24 ~~payrate and special compensation of the member. The computation~~
25 ~~for an absence of a member shall be based on the compensation~~
26 ~~earnable by him or her at the beginning of the absence and for time~~
27 ~~prior to entering state service shall be based on the compensation~~
28 ~~earnable by him or her in the position first held by him or her in~~
29 ~~that state service.~~

30 ~~(2) Notwithstanding subdivision (b), “payrate” for state members~~
31 ~~means the average monthly remuneration paid in cash out of funds~~
32 ~~paid by the employer to similarly situated members of the same~~
33 ~~group or class of employment, in payment for the member’s~~
34 ~~services or for time during which the member is excused from~~
35 ~~work because of holidays, sick leave, vacation, compensating time~~
36 ~~off, or leave of absence. “Payrate” for state members shall include:~~

37 ~~(A) An amount deducted from a member’s salary for any of the~~
38 ~~following:~~

1 ~~(i) Participation in a deferred compensation plan established~~
2 ~~pursuant to Chapter 4 (commencing with Section 19993) of Part~~
3 ~~2.6.~~

4 ~~(ii) Payment for participation in a retirement plan that meets~~
5 ~~the requirements of Section 401(k) of Title 26 of the United States~~
6 ~~Code.~~

7 ~~(iii) Payment into a money purchase pension plan and trust that~~
8 ~~meets the requirements of Section 401(a) of Title 26 of the United~~
9 ~~States Code.~~

10 ~~(iv) Participation in a flexible benefits program.~~

11 ~~(B) A payment in cash by the member's employer to one other~~
12 ~~than an employee for the purpose of purchasing an annuity contract~~
13 ~~for a member under an annuity plan that meets the requirements~~
14 ~~of Section 403(b) of Title 26 of the United States Code.~~

15 ~~(C) Employer "pick up" of member contributions that meets~~
16 ~~the requirements of Section 414(h)(2) of Title 26 of the United~~
17 ~~States Code.~~

18 ~~(D) Disability or workers' compensation payments to safety~~
19 ~~members in accordance with Section 4800 of the Labor Code.~~

20 ~~(E) Temporary industrial disability payments pursuant to Article~~
21 ~~4 (commencing with Section 19869) of Chapter 2.5 of Part 2.6.~~

22 ~~(F) Other payments the board may determine to be within~~
23 ~~"payrate."~~

24 ~~(3) Notwithstanding subdivision (e), "special compensation"~~
25 ~~for state members shall mean all of the following:~~

26 ~~(A) The monetary value, as determined by the board, of living~~
27 ~~quarters, board, lodging, fuel, laundry, and other advantages of~~
28 ~~any nature furnished to a member by his or her employer in~~
29 ~~payment for the member's services.~~

30 ~~(B) Compensation for performing normally required duties,~~
31 ~~such as holiday pay, bonuses (for duties performed on regular work~~
32 ~~shift), educational incentive pay, maintenance and noncash~~
33 ~~payments, out-of-class pay, marksmanship pay, hazard pay,~~
34 ~~motorecycle pay, paramedic pay, emergency medical technician~~
35 ~~pay, Peace Officer Standards and Training (POST) certificate pay,~~
36 ~~and split shift differential.~~

37 ~~(C) Compensation for uniforms, except as provided in Section~~
38 ~~20632.~~

39 ~~(D) Other payments the board may determine to be within~~
40 ~~"special compensation."~~

1 ~~(4) “Payrate” and “special compensation” for state members do~~
2 ~~not include any of the following:~~

3 ~~(A) The provision by the state employer of a medical or hospital~~
4 ~~service or care plan or insurance plan for its employees (other than~~
5 ~~the purchase of annuity contracts as described below in this~~
6 ~~subdivision), a contribution by the employer to meet the premium~~
7 ~~or charge for that plan, or a payment into a private fund to provide~~
8 ~~health and welfare benefits for employees.~~

9 ~~(B) A payment by the state employer of the employee portion~~
10 ~~of taxes imposed by the Federal Insurance Contribution Act.~~

11 ~~(C) Amounts not available for payment of salaries and that are~~
12 ~~applied by the employer for the purchase of annuity contracts~~
13 ~~including those that meet the requirements of Section 403(b) of~~
14 ~~Title 26 of the United States Code.~~

15 ~~(D) Benefits paid pursuant to Article 5 (commencing with~~
16 ~~Section 19878) of Chapter 2.5 of Part 2.6.~~

17 ~~(E) Employer payments that are to be credited as employee~~
18 ~~contributions for benefits provided by this system, or employer~~
19 ~~payments that are to be credited to employee accounts in deferred~~
20 ~~compensation plans. The amounts deducted from a member’s~~
21 ~~wages for participation in a deferred compensation plan may not~~
22 ~~be considered to be “employer payments.”~~

23 ~~(F) Payments for unused vacation, annual leave, personal leave,~~
24 ~~sick leave, or compensating time off, whether paid in lump sum~~
25 ~~or otherwise.~~

26 ~~(G) Final settlement pay.~~

27 ~~(H) Payments for overtime, including pay in lieu of vacation or~~
28 ~~holiday.~~

29 ~~(I) Compensation for additional services outside regular duties,~~
30 ~~such as standby pay, callback pay, court duty, allowance for~~
31 ~~automobiles, and bonuses for duties performed after the member’s~~
32 ~~regular work shift.~~

33 ~~(J) Amounts not available for payment of salaries and that are~~
34 ~~applied by the employer for any of the following:~~

35 ~~(i) The purchase of a retirement plan that meets the requirements~~
36 ~~of Section 401(k) of Title 26 of the United States Code.~~

37 ~~(ii) Payment into a money purchase pension plan and trust that~~
38 ~~meets the requirements of Section 401(a) of Title 26 of the United~~
39 ~~States Code.~~

1 ~~(K) Payments made by the employer to or on behalf of its~~
2 ~~employees who have elected to be covered by a flexible benefits~~
3 ~~program, where those payments reflect amounts that exceed the~~
4 ~~employee's salary.~~

5 ~~(L) Other payments the board may determine are not "payrate"~~
6 ~~or "special compensation."~~

7 ~~(5) If the provisions of this subdivision, including the board's~~
8 ~~determinations pursuant to subparagraph (F) of paragraph (2) and~~
9 ~~subparagraph (D) of paragraph (3), are in conflict with the~~
10 ~~provisions of a memorandum of understanding reached pursuant~~
11 ~~to Section 3517.5 or 3560, the memorandum of understanding~~
12 ~~shall be controlling without further legislative action, except that~~
13 ~~if the provisions of a memorandum of understanding require the~~
14 ~~expenditure of funds, those provisions may not become effective~~
15 ~~unless approved by the Legislature in the annual Budget Act. No~~
16 ~~memorandum of understanding reached pursuant to Section 3517.5~~
17 ~~or 3560 may exclude from the definition of either "payrate" or~~
18 ~~"special compensation" a member's base salary payments or~~
19 ~~payments for time during which the member is excused from work~~
20 ~~because of holidays, sick leave, vacation, compensating time off,~~
21 ~~or leave of absence. If items of compensation earnable are included~~
22 ~~by memorandum of understanding as "payrate" or "special~~
23 ~~compensation" for retirement purposes for represented and higher~~
24 ~~education employees pursuant to this paragraph, the Department~~
25 ~~of Personnel Administration or the Trustees of the California State~~
26 ~~University shall obtain approval from the board for that inclusion.~~

27 ~~(6) (A) Subparagraph (B) of paragraph (3) prescribes that~~
28 ~~compensation earnable includes compensation for performing~~
29 ~~normally required duties, such as holiday pay, bonuses (for duties~~
30 ~~performed on regular work shift), educational incentive pay,~~
31 ~~maintenance and noncash payments, out-of-class pay,~~
32 ~~marksmanship pay, hazard pay, motorcycle pay, paramedic pay,~~
33 ~~emergency medical technician pay, POST certificate pay, and split~~
34 ~~shift differential; and includes compensation for uniforms, except~~
35 ~~as provided in Section 20632; and subparagraph (I) of paragraph~~
36 ~~(4) excludes from compensation earnable compensation for~~
37 ~~additional services outside regular duties, such as standby pay,~~
38 ~~callback pay, court duty, allowance for automobile, and bonuses~~
39 ~~for duties performed after regular work shift.~~

~~(B) Notwithstanding subparagraph (A), the Department of Personnel Administration shall determine which payments and allowances that are paid by the state employer shall be considered compensation for retirement purposes for an employee who either is excluded from the definition of state employee in Section 3513, or is a nonelected officer or employee of the executive branch of government who is not a member of the civil service.~~

~~(C) Notwithstanding subparagraph (A), the Trustees of the California State University shall determine which payments and allowances that are paid by the trustees shall be considered compensation for retirement purposes for a managerial employee, as defined in Section 3562, or supervisory employee as defined in Section 3580.3.~~

~~SEC. 2. Section 20636.1 of the Government Code is amended to read:~~

~~20636.1. (a) Notwithstanding Section 20636, and Section 45102 of the Education Code, “compensation earnable” by a school member means the payrate and special compensation of the member, as defined by subdivisions (b) and (c), and as limited by Section 21752.5.~~

~~(b) (1) “Payrate” means the normal monthly rate of pay or base pay of the member paid in cash to similarly situated members of the same group or class of employment for services rendered on a full-time basis during normal working hours. For purposes of this part, for classified members, full-time employment is 40 hours per week, and payments for services rendered, not to exceed 40 hours per week, shall be reported as compensation earnable for all months of the year in which work is performed. “Payrate,” for a member who is not in a group or class, means the monthly rate of pay or base pay of the member, paid in cash and pursuant to publicly available pay schedules, for services rendered on a full-time basis during normal working hours, subject to the limitations of paragraph (2) of subdivision (c).~~

~~(A) For the purposes of this section, “classified members” shall mean members who retain membership under this system while employed with a school employer in positions not subject to coverage under the Defined Benefit Program under the State Teacher’s Retirement System.~~

~~(B) For the purposes of this section, and Sections 20962 and 20966, “certificated members” shall mean members who retain~~

1 membership under this system while employed in positions subject
2 to coverage under the Defined Benefit Program under the State
3 Teacher's Retirement System.

4 (2) The computation for any leave without pay of a member
5 shall be based on the compensation earnable by him or her at the
6 beginning of the absence.

7 (3) The computation for time prior to entering state service shall
8 be based on the compensation earnable by him or her in the position
9 first held by him or her in state service.

10 (e) (1) Special compensation of a school member includes any
11 payment received for special skills, knowledge, abilities, work
12 assignment, workdays or hours, or other work conditions.

13 (2) Special compensation shall be limited to that which is
14 received by a member pursuant to a labor policy or agreement or
15 as otherwise required by state or federal law, to similarly situated
16 members of a group or class of employment that is in addition to
17 payrate. If an individual is not part of a group or class, special
18 compensation shall be limited to that which the board determines
19 is received by similarly situated members in the closest related
20 group or class that is in addition to payrate, subject to the
21 limitations of paragraph (2) of subdivision (e).

22 (3) Special compensation shall be for services rendered during
23 normal working hours and, when reported to the board, the
24 employer shall identify the pay period in which the special
25 compensation was earned.

26 (4) Special compensation may include the full monetary value
27 of normal contributions paid to the board by the employer, on
28 behalf of the member and pursuant to Section 20691, provided
29 that the employer's labor policy or agreement specifically provides
30 for the inclusion of the normal contribution payment in
31 compensation earnable.

32 (5) The monetary value of any service or noncash advantage
33 furnished by the employer to the member, except as expressly and
34 specifically provided in this part, shall not be special compensation
35 unless regulations promulgated by the board specifically determine
36 that value to be "special compensation."

37 (6) The board shall promulgate regulations that delineate more
38 specifically and exclusively what constitutes "special
39 compensation" as used in this section. A uniform allowance, the
40 monetary value of employer-provided uniforms, holiday pay, and

1 premium pay for hours worked within the normally scheduled or
2 regular working hours that are in excess of the statutory maximum
3 workweek or work period applicable to the employee under Section
4 201 et seq. of Title 29 of the United States Code shall be included
5 as special compensation and appropriately defined in those
6 regulations.

7 (7) Special compensation does not include any of the following:

8 (A) Final settlement pay.

9 (B) Payments made for additional services rendered outside of
10 normal working hours, whether paid in lump sum or otherwise.

11 (C) Any other payments the board has not affirmatively
12 determined to be special compensation.

13 (d) Notwithstanding any other provision of law, payrate and
14 special compensation schedules, ordinances, or similar documents
15 shall be public records available for public scrutiny.

16 (e) (1) As used in this part, “group or class of employment”
17 means a number of employees considered together because they
18 share similarities in job duties, work location, collective bargaining
19 unit, or other logical work-related grouping. Under no
20 circumstances shall one employee be considered a group or class.

21 (2) Increases in compensation earnable granted to any employee
22 who is not in a group or class shall be limited during the final
23 compensation period applicable to the employees, as well as the
24 two years immediately preceding the final compensation period,
25 to the average increase in compensation earnable during the same
26 period reported by the employer for all employees who are in the
27 same membership classification.

28 (f) As used in this part, “final settlement pay” means any pay
29 or cash conversions of employee benefits that are in excess of
30 compensation earnable, that are granted or awarded to a member
31 in connection with or in anticipation of a separation from
32 employment. The board shall promulgate regulations that delineate
33 more specifically what constitutes final settlement pay.

34 SEC. 3. Section 21221 of the Government Code is amended
35 to read:

36 21221. A retired person may serve without reinstatement from
37 retirement or loss or interruption of benefits provided by this
38 system, as follows:

39 (a) As a member of any board, commission, or advisory
40 committee, upon appointment by the Governor, the Speaker of the

1 Assembly, the President pro Tempore of the Senate, director of a
2 state department, or the governing board of the contracting agency.
3 However, the appointment shall not be deemed employment within
4 the meaning of Division 4 (commencing with Section 3200) and
5 Division 4.5 (commencing with Section 6100) of the Labor Code,
6 and shall not provide a basis for the payment of workers'
7 compensation to a retired state employee or to his or her
8 dependents:

9 (b) As a school crossing guard.

10 (c) As a juror or election officer.

11 (d) As an elective officer on and after September 15, 1961.

12 However, all rights and immunities which may have accrued under
13 Section 21229 as it read prior to that section's repeal during the
14 1969 Regular Session of the Legislature are hereby preserved.

15 (e) As an appointive member of the governing body of a
16 contracting agency. However, the compensation for that office
17 shall not exceed one hundred dollars (\$100) per month.

18 (f) Upon appointment by the Legislature, or either house, or a
19 legislative committee to a position deemed by the appointing power
20 to be temporary in nature.

21 (g) Upon employment by a contracting agency to a position
22 found by the governing body, by resolution, to be available because
23 of a leave of absence granted to a person on payroll status for a
24 period not to exceed one year and found by the governing body to
25 require specialized skills. The temporary employment shall be
26 terminated at the end of the leave of absence. Appointments under
27 this section shall be reported to the board and shall be accompanied
28 by the resolution adopted by the governing body.

29 (h) Upon appointment by the governing body of a contracting
30 agency to a position deemed by the governing body to be of a
31 limited duration and requiring specialized skills or during an
32 emergency to prevent stoppage of public business. These
33 appointments, in addition to any made pursuant to Section 21224,
34 shall not exceed a total for all employers of 960 hours in any fiscal
35 year.

36 (i) Upon appointment by the Administrative Director of the
37 Courts to the position of Court Security Coordinator, a position

- 1 ~~deemed temporary in nature and requiring the specialized skills~~
- 2 ~~and experience of a retired professional peace officer.~~

O